

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

v.

TEXAS INSTRUMENTS, INC., et al.,

Defendants.

CASE NO. 6:12-cv-499 LED

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

Plaintiff,

v.

INTEGRATED BIOMETRICS, LLC,

Defendants.

CASE NO. 6:12-cv-652 LED

CONSOLIDATED CASE

Jury Trial Demanded

PLAINTIFF'S REPLY IN RESPONSE TO
DEFENDANT INTEGRATED BIOMETRICS' COUNTERCLAIMS

Plaintiff Blue Spike, LLC files this Reply to the Counterclaims of Integrated Biometrics, LLC ("Integrated Biometrics" or "Defendant") (Dkt. No. 372) as follows. All allegations not expressly admitted or responded to by Plaintiff are denied.

NATURE OF THE COUNTERCLAIM

1. Plaintiff admits the allegations of Paragraph 1.

PARTIES

2. Plaintiff admits the allegations of Paragraph 2, upon information and belief.
3. Plaintiff admits the allegations of Paragraph 3.

JURISDICTION AND VENUE

4. Plaintiff admits the allegations of Paragraph 4.

5. Plaintiff admits the allegations of Paragraph 5.

6. Plaintiff admits that venue is proper in this District, but denies the remainder of Paragraph 6.

GENERAL ALLEGATIONS

7. Plaintiff admits the allegations of Paragraph 7.

8. Plaintiff admits the allegations of Paragraph 8.

**COUNT I: DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF THE '175 PATENT**

9. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 8 above.

10. Plaintiff admits the allegations of Paragraph 10.

11. Plaintiff denies the allegations of Paragraph 11.

12. Plaintiff admits the allegations of Paragraph 12.

13. To the extent they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 13.

14. Plaintiff denies the allegations of Paragraph 14.

**COUNT II: DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF THE '494 PATENT**

15. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 14 above.

16. Plaintiff admits the allegations of Paragraph 16.

17. Plaintiff denies the allegations of Paragraph 17.

18. Plaintiff admits the allegations of Paragraph 18.

19. To the extent they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 19.

20. Plaintiff denies the allegations of Paragraph 20.

**COUNT III: DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF THE '700 PATENT**

21. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 20 above.

22. Plaintiff admits the allegations of Paragraph 22.

23. Plaintiff denies the allegations of Paragraph 23.

24. Plaintiff admits the allegations of Paragraph 24.

25. To the extent they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 25.

26. Plaintiff denies the allegations of Paragraph 26.

**COUNT IV: DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF THE '472 PATENT**

27. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 26 above.

28. Plaintiff admits the allegations of Paragraph 28.

29. Plaintiff denies the allegations of Paragraph 29.

30. Plaintiff admits the allegations of Paragraph 30.

31. To the extent they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 31.

32. Plaintiff denies the allegations of Paragraph 32.

**COUNT V: DECLARATORY JUDGMENT OF
INVALIDITY OF THE '175 PATENT**

33. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 32 above.

34. Plaintiff denies the allegations of Paragraph 34.

35. Plaintiff admits the allegations of Paragraph 35.

36. To the extent they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 36.

**COUNT VI: DECLARATORY JUDGMENT OF
INVALIDITY OF THE '494 PATENT**

37. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 36 above.

38. Plaintiff denies the allegations of Paragraph 38.

39. Plaintiff admits the allegations of Paragraph 39.

40. To the extent they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 40.

**COUNT VII: DECLARATORY JUDGMENT OF
INVALIDITY OF THE '700 PATENT**

41. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 41 above.

42. Plaintiff denies the allegations of Paragraph 42.

43. Plaintiff admits the allegations of Paragraph 43.

44. To the extent they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 44.

**COUNT VIII: DECLARATORY JUDGMENT OF
INVALIDITY OF THE '472 PATENT**

45. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 44 above.

46. Plaintiff denies the allegations of Paragraph 46.

47. Plaintiff admits the allegations of Paragraph 47.

48. To the extent they are allegations and not prayers for relief, Plaintiff denies the allegations of Paragraph 48.

PRAYER FOR RELIEF

Plaintiff denies that Defendant is entitled to any of the relief it requests.

PLAINTIFF'S PRAYER FOR RELIEF

In addition to the relief requested in Plaintiff's Original Complaint, Plaintiff respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Plaintiff its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for the Plaintiff as the Court may deem just and proper.

Respectfully submitted,

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Counsel for Blue Spike, LLC

CERTIFICATE OF SERVICE

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser
Randall T. Garteiser